

PUBLIC SAFETY DEPARTMENT[661]**Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 103.6, the Electrical Examining Board hereby gives Notice of Intended Action to amend Chapter 551, “Electrical Inspection Program—Definitions,” and Chapter 552, “Electrical Inspection Program—Permits and Inspections,” Iowa Administrative Code.

The Electrical Examining Board is authorized to adopt administrative rules governing all aspects of the state electrical inspection program and of the licensing of electricians and electrical contractors. The proposed amendments update rules regarding electrical inspection of farm property.

A public hearing on these proposed amendments will be held on July 18, 2013, at 10 a.m. in the first floor public conference room (Room 125) of the State Public Safety Headquarters Building, 215 East 7th Street, Des Moines, Iowa 50319. Persons may present their views orally or in writing at the public hearing. Otherwise, any written comments or information regarding these proposed amendments may be directed to the Agency Rules Administrator by mail to Agency Rules Administrator, Iowa Department of Public Safety, State Public Safety Headquarters Building, 215 East 7th Street, Des Moines, Iowa 50319; or by electronic mail to admrule@dps.state.ia.us by 4:30 p.m. on July 17, 2013.

The Electrical Examining Board’s rules, promulgated in 2009, required permits and inspections for electrical installations on farm property. Governor Branstad filed an objection to the existing rules on January 23, 2012, and the rules were challenged in a judicial review action by two individual farmers in 2012. A decision by the Iowa district court on January 16, 2013, concluded that the statute was ambiguous and that the existing rules were invalid. As a result of that court ruling, the Board proposes amendments to the existing rules in order to comply with the district court’s ruling.

The Board had interpreted the Iowa Code to include farms within the definition of “commercial installation.” In the judicial review action, the district court concluded that this interpretation was not supported by the language of the statute. The Board has proposed to change the definition of “farm” and clarify that, although permit and inspection requirements generally do not apply to farm property, the other statutory provisions regarding residences and “commercial” activities (such as a retail facility open to the public) are subject to permit and inspection requirements. Finally, farmers may choose to seek a permit or inspection, so the proposed amendments also contemplate a voluntary request by the property owner.

Rules of the Electrical Examining Board are subject to the waiver provisions of rule 661—501.5(103). The Board does not have authority to waive requirements established by statute.

After analysis and review of this rule making, there is likely to be a positive impact on jobs. The cost of inspections can be used for other activities, which is likely to have a positive impact on jobs.

These amendments are intended to implement Iowa Code sections 103.23 and 103.24.

The following amendments are proposed.

ITEM 1. Amend rule **661—551.2(103)**, definitions of “Commercial installation” and “Farm,” as follows:

“*Commercial installation*” means an installation intended for commerce, but does not include a residential installation or a farm installation.

“*Farm*” means land, buildings and structures used for agricultural purposes including but not limited to the storage, handling, and drying of grain and the care, feeding, and housing of livestock. An electrical installation on a farm does not include a residential installation for a residence located on or in proximity to a farm.

ITEM 2. Amend rule 661—552.1(103) as follows:

661—552.1(103) Required permits and inspections.

552.1(1) Permits and inspections are required for any of the following electrical installations that are initiated on or after February 1, 2009:

a. All new electrical installations for commercial or industrial applications, including installations both inside and outside buildings, and for public-use buildings and facilities and any installation at the request of the owner.

b. All new electrical installations for residential applications in excess of single-family residential applications.

c. All new electrical installations for single-family residential applications requiring new electrical service equipment.

d. Any existing electrical installation observed during inspection which constitutes an electrical hazard. Existing installations shall not be deemed to constitute electrical hazards if the wiring was originally installed in accordance with the electrical code in force at the time of installation and has been maintained in that condition.

e. Inspections of alarm system installations, rules for which are intended to be adopted as new 661—Chapter 560.

552.1(2) New electrical installations on a farm, whether inside or outside of a building or structure, shall not require a permit or an inspection.

552.1(3) ~~EXCEPTION 1:~~ Installations in political subdivisions which perform electrical inspections and which are inspected by the political subdivision are not required to be inspected by the state electrical inspection program. Any installation which is subject to inspection and is on property owned by the state or an agency of the state shall be inspected by the state electrical inspection program. However, a county shall not perform electrical inspections on a farm or farm residence. An electrical installation on a farm or farm residence which is located outside the corporate limits of any municipal corporation (city) shall not be inspected by a political subdivision, ~~shall require a state electrical permit, and may be subject to a state electrical inspection, unless the installation is subject to Exception 2 or Exception 3.~~

552.1(4) ~~EXCEPTION 2:~~ Any electrical work which is limited to routine maintenance shall not require an inspection.

552.1(5) ~~EXCEPTION 3:~~ Neither a permit nor an inspection is required for an electrical installation which meets all of the following criteria:

~~1.~~ *a.* The installation is legally performed by a master electrician, journeyman electrician, or apprentice electrician working under the direct supervision of a master or journeyman electrician.

~~2.~~ *b.* The installation to be performed does not in any way involve work within an existing or new switchboard or panel board.

~~3.~~ *c.* The installation to be performed does not involve over-current protection of more than 30 amperes.

~~4.~~ *d.* The installation to be performed does not involve any electrical line-to-ground circuit of more than 277 volts, single phase.

~~552.1(2)~~ **552.1(6)** The owner of a property on which multiple electrical installations may be performed during a 12-month period may apply for an annual permit to cover all such installations. The holder of an annual permit shall maintain a log of all installations performed pursuant to the annual permit. The owner shall cause the electrical inspection program to be notified of any such installation requiring an inspection and shall be subject to fees for such inspections as though an individual permit had been issued for each installation requiring an inspection. The fee for an annual permit shall be \$100. The log shall be available to an electrical inspector on the request of the inspector.